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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Moshe Kadesh

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P.O. BOX 1307

PARDES HANNA, 37111

ISRAEL

EXAMINER

KLING, CHARLES

ART UNIT

PAPER NUMBER

4171

MAIL DATE

DELIVERY MODE

09/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,645	Applicant(s) KADESH, MOSHE	
	Examiner CHARLES W. KLING	Art Unit 4171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 1-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02-19-09 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the first action on the merits.
2. Claims 1-6 are pending.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p) (5) because they do not include the following reference sign(s) mentioned in the description: **25** (line 24 of page 4). Perhaps the inventor intended to reference cylinder 24 instead of 25. Corrections to the specification could be made in lieu of corrections to the drawings.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p) (4) because reference character “**58**” has been used to designate both “coupler” and “screw thread” (Figure 2). Screw thread 60 is mention in the specification (line 10 of page 5) but is shown as 58 in Figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: The term “**trough**” appears in line 9 of page 4 making the sentence unclear. Perhaps the applicant meant to use “through”. Appropriate correction is required.
6. The disclosure is objected to because of the following informalities: The term “**my**” appears in line 22 of page 6 making the sentence unclear. Perhaps the applicant meant to use “may”. Appropriate correction is required.
7. The use of the trademark **MIDWEST** (line 12 of page 4) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

8. Claims 1-6 are objected to because of the following informalities: The term “**pressurising**” is used in the first line of each claim. This term is properly spelled “pressurizing” as seen in line 3 of claims 1, 3. Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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10. Claims 1, 3, 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by DANNE ET AL. (US-3,987,550).

11. The elements of claims 1, 3, 5-6, listed below, are anticipated by DANNE ET AL., shown in parenthesis and bold type, as follows:

A pressurizing device (...**high pressure...system... lines 6-7 of abstract**) for clearing of passageways of liquids and fluids comprising:

- a piston (...**piston... line 64 of column 7**) for pressurizing a clearing agent;
- a cylinder (...**cylinder... line 58 of column 7**) for containing said clearing agent, and
- a coupler (...**clamp... line 68 of column 2**) for connecting said cylinder to a treated device.

12. With regard to claims 3, 5-6: A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use then it anticipates the claim. The elements of DANNE ET AL., listed above, also anticipate the elements of claims 3, 5-6 as they are fully capable of clearing passageways in dental hand-pieces, pneumatic systems, and hydraulic systems. See *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997)

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2, 4 are rejected under 35 U.S.C. 103(a) as being obvious over DANNE ET AL. (US-3,987,550) in view of FRIEDHEIM (US-4,414,037).

15. DANNE ET AL. discloses the elements of claims 1 and 3 (see 102(b) rejection above). DANNE ET AL. does not appear to explicitly/expressly disclose the external threaded cylinder recited in claims 2, 4.

16. However, FRIEDHEIM discloses a threaded connection on the end of a cylinder (lines 41-42 of column 4) in a steam jet cleaning and sterilizing system.

17. At the time of the invention, it would have been *prima facie* obvious to one having ordinary skill in the art to modify the cylinder of DANNE ET AL. to include the external threads of FRIEDHEIM, because the technique would improve the connection of the cylinder in view of the teaching of the technique for improvement in other situations.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. SCHMITZ (US-3,724,076) is considered pertinent as it deals with the use of a piston to force material through a tube.

b. THOMPSON (US-3,811,408) is considered pertinent as it performs the same function as the instant invention.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES W. KLING whose telephone number is 571-

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270-5524. The examiner can normally be reached on Monday through Friday 8:00 - 4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Barbara Gilliam can be reached on 571-272-1330. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHARLES W. KLING/
Examiner, Art Unit 4171

/Barbara L. Gilliam/
Supervisory Patent Examiner, Art Unit 4133